

## Meeting Minutes – May 11, 2022

### Call to Order:

Chair Kasemeyer called the video-conference meeting of the Interagency Commission on School Construction to order at 3:32 p.m.

### Members in Attendance:

Edward Kasemeyer, Appointee of the President of the Senate, Chair  
Superintendent Mohammed Choudhury, Maryland State Department of Education  
Secretary Ellington Churchill, Department of General Services  
Michael Darenberg, Appointee of the Governor  
Linda Eberhart, Appointee of the Speaker of the House  
Brian Gibbons, Appointee of the Speaker of the House  
Secretary Robert S. McCord, Maryland Department of Planning

### Members Not in Attendance:

Dick Lombardo, Appointee of the Governor  
Gloria Lawlah, Appointee of the President of the Senate

### Revisions to the Agenda:

There were no revisions to the agenda.

### Public Comment:

There was no public comment.

### IAC Correspondence:

There was no IAC correspondence.

#### 1. Consent Agenda – **[Motion Carried]**

Upon a motion by Superintendent Choudbury, seconded by Ms. Eberhart, the IAC voted unanimously to approve the consent agenda.

##### A. Approval of the April 14, 2022 Minutes

To approve the minutes of the April 14, 2022 Interagency Commission on School Construction Meeting.

##### B. Summary of Contract Awards

To approve contract procurement as presented.

##### C. Project Allocation Reversion

To approve the reversion of the amounts identified below to the appropriate statewide contingency accounts.

##### D. Project Closeouts

To approve the final State project costs as presented and to remove the projects from the active project detailed financial report.

**E. Washington County Technical HS Property Transfer**

To approve the transfer of 11,454 square feet of land (0.2629 acres), of the parcel containing Washington County Technical High School, at 50 West Oak Ridge Drive, Hagerstown, Maryland, 21740, from the Washington County Public Schools Board of Education (WCBOE) to the Washington County Commissioners, in exchange for 190,676 square feet, or 4.37 acres, of an adjacent county-owned parcel (Tax Map 314, Grid 14, Parcel 893), known as Doub's Woods Park, to the WCBOE for the construction of a Diesel Repair educational facility at the high school.

**F. Built to Learn Project Worksheets – [Informational Only]**

**G. Built to Learn Act Project Status Report – [Informational Only]**

**H. Projects Approaching the Deadline for Contract Approval – [Informational Only]**

**2. Approval of IAC Meeting Bylaws – [Motion Carried]**

Ms. Eberhart and Heidi Dudderar, Assistant Attorney General for the IAC, presented an overview of the IAC Bylaws that were first introduced at the April 14, 2022 IAC Meeting. Ms. Dudderar presented a revision to Article III, §7(b)(v) and Article IV, §2(a)(iii), striking "Evaluate the performance of the Executive Director in accordance with the state Performance Planning & Evaluation Program" and replace with "Evaluate the performance of the Executive Director."

Upon a motion by Ms. Eberhart, seconded by Mr. Gibbons, the IAC voted unanimously to approve the adoption of the Interagency Commission on School Construction Bylaws as presented with the proposed revisions.

**3. Prince George's - William Schmidt Outdoor Educational Center - FY21/FY22 Replacement Project - Rescind and Amend FY23 – [Motion Carried]**

Gene Shanholtz, IAC Regional Facilities Manager, presented the request by Prince George's County Public Schools (PGCPS) to cancel the FY 2021 and FY 2022 Replacement/Renovation project at William Schmidt Outdoor Educational Center and amend the FY 2023 Replacement/Renovation project at the William Schmidt Outdoor Educational Center. According to PGCPS, the project has faced several challenges exacerbated by the pandemic and enhanced regulatory review required due to the uniqueness of the site in comparison to other more typical school buildings leading to delays in the overall schedule. By rescinding the allocations and amending the FY 2023 CIP to include the project, PGCPS expects to have sufficient time to execute the project.

Upon a motion by Ms. Eberhart, seconded by Secretary Churchill, the IAC voted unanimously:

1. To approve the cancellation of Prince George's County Public School (PGCPS) FY 2021 William Schmidt Outdoor Educational Center Replacement/Renovation Project (PSC# 16.199.21);
2. To approve the cancellation of Prince George's County Public School (PGCPS) FY 2022 William Schmidt Outdoor Educational Center Replacement/Renovation Project (PSC# 16.199.22);
3. Transfer the State allocation totaling \$19,037,000 to the LEA's Reserved Prior Year Appropriations Account;
4. Amend the FY 2023 CIP and apply \$19,037,000 from the Reserved Prior Year Appropriations account to the FY 2023 William Schmidt Outdoor Educational Center Replacement/Renovation Project (PSC# 16.199.23).

**4. Baltimore City – Rescission and Amendment of Five Projects to FY 2023 Capital Improvement Program – [Motion Carried]**

Gricel Muñoz, IAC Regional Facilities Manager, presented the request by Baltimore City Public Schools (BCPSS) to rescind and amend five HVAC, Multi Systemic, and Roof projects from FY21 CIP and amend to FY23 CIP, with increases in project cost ranging from 35 to 50 percent. BCPSS was unable to complete the design and proceed to award contracts before the two year statutory time frame, due to challenges regarding COVID and inflation within labor and materials, and equipment delays. BCPSS requests to rescind and amend these projects into FY23 CIP and use additional funds from their prior year reserved appropriations account to cover the increases.

Upon a motion by Secretary Churchill, seconded by Superintendent Choudhury, the IAC voted unanimously to:

1. To approve the rescission of five (5) Baltimore City Schools FY 2021 Capital Improvement Program projects;
2. Transfer the State allocation totaling \$ 28,666,000 to the LEA's Reserved Prior Year Appropriations Account;
3. Amend the FY2023 CIP to include the five (5) Baltimore City Schools projects including design funding only for two projects and full funding for three projects, including estimated increases.
4. Apply \$23,991,960 from the Reserved Prior Year Appropriations Account to the FY 2023 CIP for the five projects as presented in Table 2.

**5. FY 2023 100% Capital Improvement Program – [Motion Carried]**

Arabia Davis, IAC Funding Programs Manager, presented IAC staff recommendations for 100% of the school construction allocation for the FY 2023 CIP. Staff recommended the approval of a total of \$412 million, including funding for 116 projects, which includes costs to cover design and planning services for 4 projects and planning approval for a total of 14 projects, and a total of \$4.2 million to be reserved, for the 100% allocation round based on the Governor's Capital Budget.

Upon a motion by Secretary Churchill, seconded by Ms. Eberhart, the IAC voted unanimously:

1. To approve the Fiscal Year 2023 Capital Improvement Program in the total amount of \$416 million, including \$412 million for allocation to funding and planning projects, \$.5 million for Department of General Services (DGS) design consultant fees and reserving \$3.779 million in new authorization for unanticipated project costs; and
2. To authorize the IAC staff to make minor adjustments to allocations based on calculation of the project's net state funding amount to avoid the over or under funding of a project.

**6. Baltimore City Extra \$15 Million for HVAC Project Status Report - [Informational Only]**

Ms. Muñoz provided an update that 16 of 19 HVAC projects are operational while three remain in progress. Callaway Elementary School is in the final design and procurement phase, with an anticipated construction start date of July 2022 and completion in July 2023. Thomas Johnson Elementary/Middle School is under construction with an anticipated project completion date of August 2022. Windsor Hills Elementary/Middle School is under construction with an anticipated project completion date of August 2022. Funds have been fully allocated to the projects, 90% have been contracted, and 83% have been expended.

Cyndi Smith, BCPSS Director of Facilities, Design and Construction, explained that the Callaway project started as replacement of ventilators but beginning in design and field work, they found several additional needs. BCPSS reevaluated the project to resolve the issues in the whole school instead of addressing small parts one at a time. Furthermore, Thomas Johnson and Windsor Hill projects experienced material delays. The factors they learned will be able to help with future projects.

**7. Baltimore City Revised Enhanced Approval Package – #27 Commodore John Rodgers Elementary/Middle School - [Motion Carried]**

Ms. Muñoz presented the revision to BCPSS's Enhanced Approval Packages (EAP) for Commodore John Rodgers Elementary/ Middle School. In accordance with the Memorandum of Understanding, the process approval of the project was approved by the IAC on November 15, 2018. In November 2021, the EAP was revised to change the project type from an addition/renovation to a full replacement project. Baltimore City Board of School Commissioners approved the revised EAP on May 10, 2022. Fred Mason, MSDE Office of School Facilities Director, explained that this project showcases the evolution of a project and collaboration between BCPSS, Maryland Stadium Authority, and MSDE to realize that a replacement is better in the long-term and for the students than a renovation for this project. Commission members commended the amount of effort that is put into these projects and the work that is produced.

Upon a motion by Secretary McCord, seconded by Ms. Eberhart, the IAC voted unanimously to approve the revisions made to the Enhanced Approval Package (EAP) for #27 Commodore John Rodgers Elementary/ Middle School dated November 2021.

**8. Cecil Manor ES FY 21 and 22 HVAC project Cancellation - [Motion Carried]**

Eileen Gladd, Regional Facilities Manager, presented Cecil County Public Schools (CCPS) request to cancel the Cecil Manor Elementary School HVAC replacement project. CCPS rejected all bids for the project because the lowest potential bid was 30% higher than the estimated budget, and CCPS was unable to fund the local share overage. CCPS intends to resubmit the project with an adjusted cost as part of their FY 2024 CIP submission. Upon questions from the Commission members, IAC staff confirmed that the project estimates were from 2019, prior to the COVID pandemic, for the FY 2021 funding cycle. Commission members further discussed that this trend is going to be more common with price increases across the industry. IAC staff is monitoring the costs of bids. The major issues identified are increases in construction demand in combination with supply chain disruptions, both driving up cost. Costs are expected to settle within 8 to 10 months.

Upon a motion by Secretary McCord, seconded by Mr. Gibbons, the IAC voted unanimously to approve the cancellation of Cecil County Public School's (CCPS) FY 2021/FY 2022 Cecil Manor HVAC Project (PSC# 07.030.21/22SR) and transfer the State's allocation totaling \$1,597,000 to the LEAs Reserved Prior Year Appropriations Account.

**9. Montgomery - Built To Learn Poolesville High School Project Revision – [Motion Carried]**

Ms. Davis presented a Montgomery County Public Schools (MCPS) revision request for the Poolesville High School Addition/Renovation project budget that includes prevailing wages. Upon questions from the commission members, IAC staff explained that anything with less than 25% State share is not required to pay prevailing wage, and some LEAs specifically request just under this threshold of funding. MCPS initially submitted their project request at under 25% funding, but later

adjusted their request to a higher cost that represents the State share of the total eligible cost, including prevailing wage. . The IAC reported in December 2020 to the Governor and General Assembly that prevailing wage increases school construction costs by 8% to 12%.

Upon a motion by Ms. Eberhart, seconded by Mr. Gibbons, the IAC voted unanimously to approve the revisions to a previously approved project as presented to be funded and executed through the Built to Learn Act. The total revised allocation increases the project by \$20,227,000. Final funding amounts are subject to adjustment based upon finalization of project worksheets and review of project eligibility.

#### **10. Public School Enrollment Projections – [Informational Only]**

Jamie Bridges, IAC Planning Manager, and Alfred Sundara, MDP Projections and State Data Center Manager, presented general information on the development and use of enrollment projections, as well as details on statewide public school enrollment projections for 2022-2031.

Commission members discussed the trends currently being seen in Maryland and across the country with the increase in homeschooling and private school enrollment, and a decline in public school enrollment. Across the country, a decrease in births will erode school enrollment in the future. Members noted that some LEAs have expressed difficulty with enrollment declines during the pandemic and their inability to bring students back to the public system. It is hard to predict how many homeschoolers will make the transition back to public schools. Commission members requested data on homeschooling changes by county, MDP and IAC staff will supply that information to the members.

#### **11. HB1290 and FY 2023 Budget – [Informational Only]**

Chair Kasemeyer postponed the item until the June 9, 2022 IAC Meeting.

#### **12. Executive Session – [Motion Carried]**

Pursuant to § 3-305(b)(1) of the General Provisions Article, Annotated Code of Maryland, and with unanimous agreement by all members present, the Interagency Commission met in closed session on Wednesday, May 11, 2022 to discuss personnel matters. All members were present at the closed session with the exception of Mr. Lombardo and Ms. Lawlah. Also in attendance was Cassandra Viscarra, Deputy Director for Administration, and Ms. Dudderar. The Executive Session commenced at 4:47 p.m.

The Executive Session concluded at 5:01 p.m. Chair Kasemeyer explained that the closed session was to discuss the appointment of an acting Executive Director upon Executive Director Gorrell's retirement. Additionally, the commission members created a Search Committee for a permanent Executive Director that will include Chair Kasemeyer, Ms. Eberhart, Mr. Gibbons, and Secretary Churchill.

Upon a motion by Superintendent Choudhury, seconded by Mr. Gibbons, the IAC voted unanimously to appoint Alex Donahue, who is the Commission's Deputy Director for Field Operations, as Acting Executive Director, beginning June 1, 2022 and continuing until a new Executive Director is appointed and begins working in that position.



**Announcements:**

Chair Kasemyer and members of the Commission presented Executive Director Gorrell with a plaque and Governor’s citation in honor of his retirement. They wished him a farewell and good fortune in his retirement.

**Adjournment:**

Upon a motion by Mr. Gibbons, with a second by Superintendent Choudhury, the IAC voted unanimously to adjourn the meeting at 5:12 p.m.